

## In the UNITED STATES PATENT and TRADEMARK OFFICE

APPLICANT: Abbruzzese, et al.	EXAMINER: Chang, Celia
SERIAL NO.: Not yet assigned	ART UNIT: 1625
FILING DATE: February 23, 2004	DOCKET NO.: 5863.US.C3
TITLE: <b>METHOD FOR THE PREVENTION AND TREATMENT OF CACHEXIA AND ANOREXIA</b>	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, Alexandria, VA 22313 on the date shown below.  <i>Wendy Detweiler</i> 2-23-04 Wendy Detweiler Date

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In accordance with their duty of disclosure under 37 C.F.R. §1.56, and as authorized and encouraged under 37 C.F.R. §§ 1.97-1.98 and the provisions of MPEP §§ 609 and 707.05(b), Applicants submit herewith certain patent documents, publications and/or other information ("references") which the Patent and Trademark Office may wish to consider in examining the above-identified patent application. The identification of any reference herein is not intended to be and should not be understood as being an admission that such reference necessarily constitutes "prior art" within the meaning of applicable law.

The cited references are listed on attached form PTO-1449.

- ☐ A copy of each cited reference is provided;
- ☒ Copies of cited references are not provided because each has previously been made of record in the parent application, or is otherwise known to be in the Examiner's possession.

The Examiner is requested to review and evaluate each cited reference to make an independent assessment of the materiality of each, if any, to the examination of the above-identified application. The Examiner is requested to ignore any underscoring or highlighting which may have been done because such markings may or may not have any relationship to the subject matter of the present invention. The copies being submitted with this Statement are the best copies available at this time. Applicants respectfully request that (1) the references cited herein be made of record; (2) that the Examiner acknowledge his consideration of each reference by initialing and returning the enclosed copy of the PTO-1449 form; and (3) that such references appear on the printed patent as having been considered on the record.

With regard to payment of a fee:

- ☒ No fee is due because:
- ☒ This Statement is mailed within three months of the filing date of this application, or before the mailing date of a first office action on the merits (see 37 C.F.R. §1.97(b)).
- ☐ Applicants certify that each reference cited in this Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. (see 37 C.F.R. §1.97(e)).
- ☐ This Statement is filed after the mailing date of a first Office Action on the merits but before the mailing date of either a final action or a Notice of Allowance (see 37 C.F.R. §1.97(c)) so a fee of **\$180.00** is specified by 37 C.F.R. §1.17(p).

If any fees are owed, or any credit is due pertaining to this case, please charge that fee or apply that credit to Deposit Account No. 01-0025. A duplicate sheet of this page is enclosed.

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Docket : 5863.US.C3

Respectfully submitted,



by Nickki L. Parlet  
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FORM PTO-1449 (Rev. 2032)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No.: 5863.US.C3	Serial No. : Not yet assigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant Abbruzzese, et al.	
(Use several sheets if necessary)		Filing Date: Feb. 23, 2004	Group: 1625

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	5,308,832		Garleb, et al.			
	5,393,784		Richarson			

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	EP 0756827 A	02/05/96	Braun Melsungen			
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			Blot, et al., "Nutrition Intervention Trials in Linxian, China: Supplementation With Specific Vitamin/Mineral Combinations, Cancer Incidence, and Disease-Specific Mortality in the General Population", Journal of the National Cancer Institute, Vol. 85, No. 18, September 15, 1993
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EXAMINER:			DATE CONSIDERED:

**Examiner:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	EP 0 642 791					

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

			Cangiano, et al., "Cytokines, Tryptophan and Anorexia in Cancer Patients before and after Surgical Tumor Ablation", ANTICANCER RESEARCH 14: 1451-1456 (1994)
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